Joseph Masi III Vice President, Financial Crimes Group Legal and Compliance Division

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MorganStanley SmithBarney

May 11, 2016

Electronic Communication: dburfield@sa15.org

Ms. Burfield,

Pursuant to your request dated April 28, 2016 and your conversation with my colleague, Todd McElduff, enclosed please find the non-privileged responsive documents related to the recently filed SAR (DCN 31000082767057) referencing Elizabeth Savitt. The documents are Batesstamped MSWM 000001- MSWM 000050.

If you have any questions, please feel free to contact me at 212-296-2273.

Regards,

Joseph Masi III

Vice President, Financial Crimes Group

Legal and Compliance Division

# Morgan Stanley

### For Internal Use Only

### Global Financial Crimes - AML Investigations Case Cover Sheet

#### **SECTION 2: RELATIONSHIP OVERVIEW**

Case created due to negative news found which detailed the newspaper's investigation into Savitt's potentially abusive practices and actions undertaken by Savitt in her position as a professional guardian for incapacitated senior citizens. Savitt, who is the wife of a Palm Beach County circuit court judge, allegedly used her connections in the local courthouse to get appointed as guardian over senior citizens' financial accounts, and took "tens of thousands of dollars from their accounts without prior court permission," portions of which were alleged to have been for Savitt's own personal benefit. Specifically, the Article details instances where family members of the senior citizens, including MSSB client's Robert Wein and Helen O'Grady, have accused Savitt double-billing, withdrawing large sums of money from her clients' accounts without any legitimate business purpose, and of pursuing unnecessary legal disputes using attorney Sheri Hazeltine ("Hazeltine"), an attorney to whom Savitt referred all litigation matters, in order to drive up professional fees owed to Savitt and Hazeltine. Notably, the Article described one instance in which Savitt used her position as legal guardian to withdraw \$30,000 from one of O'Grady's financial accounts without any reasoning or prior court approval and was subsequently ordered by the local court to return all but \$2,600 of the funds after O'Grady's son brought the withdrawal to the attention of the court.

(www.mypalmbeachpost.com/guardianships-elizabeth-savitt/)

SECTION	3: TRIGGERING ACTIVITY
•	232-026145 ELIZABETH SAVITT TTEE ROBERT WEIN LIVING TRUST-
	Funds transferred from activity, activity consists of investment related activity, purchase
	and sale of securities, dividend payments ,etc
•	232-101322 ELIZABETH SAVITT INTERIM TTEE ROBERT WEIN LIVING TRUST-
	Funds transferred from activity consists of purchase and sale of securities,
	dividend payments, fees, outgoing wire to related party Daniel Wein, outgoing checks to third
	parties for medical and elder care expenses, also payments to Savitt and related
	entities/individuals (see below), funds subsequently transferred to
•	7 ROBERT WEIN TOD LARRY WEIN SUBJECT TO STA RULES
	Activity consists of purchase and sale of securities, transfer to related party Daniel Wein,
	funds subsequently transferred to
•	E SAVITT GUARDIAN ESTATE R WEIN
	IRA Account, Activity consists of incoming funds from ETrade, Purchase and sale of securities,
	dividend payments, etc. funds subsequently transferred to
	MSSB C/F ROBERT WEIN (DECD) LARRY WEIN (BENE)

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, el	Funds from activity consists of purchase and sale of securities, interest and dividend payments
	arriaena paymento
•	Larry Wein IRA Account
	Activity consists of purchase and sale of securities, interest and dividend payments
•	MSSB C/F SUSANNA S SAVITT (DECD) ELIZABETH S. SAVITT (BENE)
	Activity consists of purchase and sale of securities, funds transferred to Ameritrade
•	ELLEN THUR, LORIE KATZ, ELIZABETH SAVITT TTEES DEE THUR REV LIV TR Activity consists of purchase and sale of securities, dividend payments, checks to client Dee
	Thur, funds transferred to Ameritrade
•	BETSY SAVITT GUA FOR HELEN M O'GRADY
	Activity consists of purchase and sale of securities, same name wires, wires to doctors, Savitt,
	and related entities (see below), funds subsequently transferred to
•	THOMAS MAYES PERSONAL REP EST OF HELEN O GRADY
	Funds from 719-147723, activity consists of withdrawals to same name, Savitt and related entities (see below)

#### **SECTION 4: INVESTIGATION SUMMARY**

Accounts reviewed following negative news article. During the course of investigation, it was discovered that from on or about April 13, 2012 to on or about December 3, 2015, approximately \$187,434 was sent from the above-mentioned accounts to Savitt and related individuals/entities e.g. Elder Law Associates, Hazeltine, and Savitt Guardians. Additionally, several wire transactions were sent to Wells Fargo and Bank of America under Savitt's control following Savitt's appointment as guardian/trustee over the accounts. 314bs were sent to the respective banks but the Firm has yet to receive a response. Consulted with Karen Hendricks from Legal and CRO Aubrey Persaud, based on the above, relationship to be exited with client. SAR filed, account placed on ACL and RF'ed pending confirmation of account exit. SPW CMeehan, Savitt will not be placed on GCL.

5/5/16 Update- Responses received re: Wells Fargo and Bank of America 314bs

Bank of America- Per conversation with Mike VonHoene, type of account opened at Bank of America was a Guardianship account with Elizabeth Savitt on account as authorized individual/ Guardian. Activity consisted of one payment of approximately \$3,580 sent to Elder Law Associates and one

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## Global Financial Crimes - AML Investigations Case Cover Sheet

payment of approximately \$6,300 to Colony Club.

Wells Fargo- per response from Gail McCree- type of account was a personal checking account owned by Helen O'Grady with Savitt listed as Guardian on account. Debit activity consisted of 47 checks to various third parties. Notably, 2 checks totaling \$9,301 were sent directly to Elizabeth Savitt, please see attached doc for more information.

Case will be updated as needed

**SECTION 5: Sign-Off** 

AML Employee: Christopher Jung

Public Records Request No.: 18-378





### **Entity Information**

Entity ID: 69939733

Riskid: R130954749 Entity Name: Elizabeth Savitt

Alias: Betsy

Address:

Recent Event(s): • PEP - Person Political / ASC - Associated with, Seen with, 02/11/2016

Elizabeth Savitt, wife of Circuit Judge Martin Colin., 02/11/2016, The Palm Beach Post

• FRD - Fraud, Scams, Swindles / ACC - Accuse, 02/11/2016

Elizabeth Savitt, double-billed, funneled money to relatives of the ward who are suspected of financial - and even physical abuse. In numerous cases, she was accused by families of creating unnecessary litigation in order to generate more fees for herself and the cadre of attorneys who represent her., 02/11/2016, The Palm Beach Post

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Elizabeth Savitt, wife of Circuit Judge Martin Colin., 02/11/2016, The Palm Beach Post

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#### **Source Information**

RDC URL: https://grid.rdc.com/wss/entity.html?entityId=18a4e0aac5434cf55d3f3d53eb346cc4

Source Name: RiskConnect\_Pm\_Version, 02/11/2016

Sources: The Palm Beach Post, MEDIA Article, Headline: Judge transferred out of probate; Martin Colin married to paid

guardian at center of inquiry.

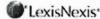


**Entity: Elizabeth Savitt** 

#### Media Article

The Palm Beach Post 02/11/2016

Powered by



Judge transferred out of probate; Martin Colin married to paid guardian at center of inquiry.

Circuit Judge Martin Colin's tenure as a probate judge is over in the wake of The Palm Beach Post's investigation into the veteran jurist and his wife in the guardianships of incapacitated seniors.

But it remains to be seen whether he still has a role in guardianship through a mediation program he helps coordinate.

Palm Beach County Chief Circuit Judge Jeffrey Colbath, with little fanfare, posted Colin's transfer on the judicial circuit's website on Tuesday, moving him from the Probate & Guardianship Division in Delray Beach to the Civil Circuit division in the central courthouse in West Palm Beach.

He is also no longer hearing Family Division cases and will instead hear civil disputes and hold jury trials involving disputes in amounts of more than \$15,000.

The move was buried on the circuit's website and not readily seen without searching an announcement section that appeared blank on the home page.

Circuit Judge Jaimie Goodman will take Colin's place, hearing guardianship, probate and family cases in the South County Courthouse.

Colin assumes Goodman's docket as of Monday in the circuit civil division. Colin said he will not seek re-election following The Post's series, Guardianship: A Broken Trust.

Colin's transfer comes just as the Florida Senate approved legislation that would give Florida its first regulatory authority over professional guardians. The bill -- along with one passed last year -- is in response to complaints of guardians bilking the savings of the elderly as appointed officers of the court. Many of these elderly seniors -- called wards -- suffer from Alzheimer's disease or some other form of dementia.

Colbath did not respond to a request through his spokesperson to comment. He also would not answer repeated queries about whether Colin will continue in his role coordinating the court's elder care program, a mediation program for quardianship disputes, where many former judges work. Colbath's father, for example, former Chief Judge Walter N. Colbath Jr., is listed as a mediator for a local company.

Also, it appears that Colbath is not taking any direct action regarding Colin's wife, Elizabeth "Betsy" Savitt, a professional guardian who has taken tens of thousands of dollars from the life savings of incapacitated seniors prior to court approval in guardianships and in followup probate cases.

The couple's finances improved substantially after Savitt became a guardian in 2011 after years of foreclosures, liens and unpaid loans to private individuals.

As a court-appointed professional guardian, Savitt takes over the lives of seniors and other adults who no longer can care for themselves, managing their finances, medical care and whether they can remain in their homes. She has access to hundreds of thousands of dollars. She was a tennis pro before she became a quardian.

The families of these seniors, backed by reams of court documents, say that besides taking fees without court approval, Savitt doublebilled, funneled money to relatives of the ward who are suspected of financial -- and even physical abuse. In numerous cases, she was accused by families of creating unnecessary litigation in order to generate more fees for herself and the cadre of attorneys who represent her.

Those attorneys regularly appeared in front of Colin, sometimes seeking his approval for generous fees in other cases. When The Post started investigating, Colin started shedding their cases: 115 recusals from July 1 to Dec. 31.

Colin's colleagues on the bench presided over his wife's cases. Currently, she has at least two guardianships but has also been involved in managing special-needs trusts and as a personal representative of estates.

Former Supreme Court Chief Justice Gerald Kogan told The Post for its series that Savitt's role as a professional guardian created an appearance of impropriety for Colin that put him in jeopardy of violating the state's judicial canons.

Savitt and Colin have denied any wrongdoing.

Colin didn't hear Savitt's cases, but his colleagues do -- particularly Circuit Judge David French, a friend who once planned a cruise vacation with the both of them.

French, for now, appears to be staying put in the Probate & Guardianship Division. Earlier this month, Colbath announced a five-point plan that directed all "current" south county judges to recuse themselves from Savitt's cases so it is uncertain whether Judge Goodman will be hearing Savitt's cases.

Colbath's plan also includes training for probate judges and their staff, standardization of billing practices and a wheel system to provide random assignments of guardians to cases.

Dr. Sam Sugar, who has led the charge for legislative reform in Florida as head of Americans Against Abusive Probate Guardianship, said Colbath has not gone far enough.





"The response from Judge Colbath is an outrage and reinforces the widely held and growing perception that the Florida court system does not deserve the trust of the people," he said.

"Years of blatant conflicts of interest, looting of innocent people's entire estates, self-serving protection of rapacious guardians and lawyers has resulted in no discipline, no consequences, but every indication that this egregious system will continue."

For Skender Hoti, Colbath's actions smack of a whitewash.

Hoti is the restaurateur who in February 2012 watched as Savitt -- assisting a family guardian -- tried to seize possessions from one of his homes using an order by Colin. Hoti claims he is still missing cash, jewelry and other possessions.

Hoti cared for Gwendolyn Batson for decades before the senior's brother sought to find her incapacitated and seize her assets. Hoti said Colbath's changes are sweeping the problem under the rug.

"We've been caught so we will change clothing and continue as usual," Hoti said. "A septic tank plumbing would be more appropriate."

While Colbath shook up the judiciary with Colin's move, lawmakers aimed to do the same to professional guardians. The Senate unanimously passed a bill Wednesday to provide the state's first real regulatory authority over the burgeoning industry, while the House's Judiciary Committee unanimously advanced a bill that would do the same.

SB 232,is sponsored by Sen. Nancy Detert, R-Venice, while its House companion HB 403 is sponsored by Rep. Larry Ahern, R-Seminole.

"I think a year from now this is going to be the top issue on '20/20' and '60 Minutes," Detert said before the vote. "I think with this bill we will have the strongest law in the nation."

The bill would create the Office of Public and Professional Guardians and give the state the power to investigate and discipline professional guardians. The bill has received support from Americans Against Abusive Probate Guardianship, Gov. Rick Scott and the Florida State Guardianship Association.

Ahern, speaking to the Judiciary Committee, said reports of guardians taking financial advantage of the elderly person they are sworn to protect are overwhelming. He told lawmakers that they don't want to read another story of guardianship abuse.

Jodi Rich, whose uncle was in a contentious guardianship under Savitt, said the bills are a good sign of change for the industry to hold bad professional guardians accountable.

"It's a good idea that the state now looks out for seniors' welfare," she said.

Not everybody, though, was a fan.

During public comment in front of the House Judiciary Committee, the bill came under fire for not addressing how new standards will be formulated and was called a Band-Aid on a massive wound.

"It is all about the money," said guardianship reform advocate Douglas Franks of Pensacola, who has fought a professional guardian on behalf of his mother. "Isolate, medicate and steal the estate -- that is what these people go by."

Staff writer Christine Stapleton contributed to this story. jpacenti@pbpost.com

#### what the post found

The savings of incapacitated seniors flow into the household of Palm Beach County Circuit Judge Martin Colin courtesy of Colin's wife — professional guardian Elizabeth "Betsy" Savitt. Fees in most of her cases were approved by another judge who is a friend of her husband's. Colin approved the fees of her lawyers in other cases. Read the series at myPalmBeachPost.com/guardianships-colin-savitt/

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Judge, wife benefit from frail seniors' money

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## Written By: JOHN PACENTI

Palm Beach Post Staff Writer

he savings of incapacitated seniors flow into the household of Palm Beach County

Circuit Judge Martin Colin.

This occurs courtesy of Colin's wife — Elizabeth "Betsy" Savitt.

She serves as a professional guardian, appointed by judges to make decisions for

Cover photo: Judge Martin Colin hears guardianship cases, but not those of his wife. However, he hears other cases involving her lawyers. A former Florida high court justice says it looks improper and could violate the Judicial Code of Conduct. (Madeline Gray / The Palm Beach Post)

adults who no longer can take care of themselves.

Savitt makes her money off the nest eggs of the elderly, many suffering from dementia and put in guardianships in the same Probate & Guardianship Division where Judge Colin wields considerable influence. His fellow judges approve Savitt's fees.



'I'm the wife of a judge': Some familes say Elizabeth Savitt, a professional guardian, cites her husband's position when they complain. (Madeline Gray / The Palm Beach Post)

Savitt has taken money from the elderly people whose lives she controls without first getting a judge's approval as well as double-billed their accounts, a Palm Beach Post investigation has uncovered in court records. Families of some of the seniors say the judge's wife and her attorneys drum up unnecessary litigation that runs up fees, benefiting herself, the judge and her lawyers.

Savitt doesn't appear before her husband, but Judge Colin does oversee other guardianship cases where he is responsible for safeguarding the finances and well-being of these "wards" of the court. Colin's colleague, Circuit Judge David French who lunches with him regularly, has overseen almost two-thirds of Savitt's cases. Some lawyers who have opposed Savitt in Judge French's courtroom say he didn't disclose that Savitt is the wife of a fellow judge or his social connections to the couple.

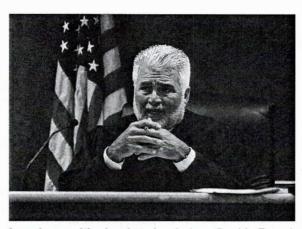
The lawyers Savitt has hired represent to her also practiced before her husband in other cases. where he had the power to approve their fees. A former Florida Supreme Court chief iustice



Click here to read more in the Guardianship series

and a law professor say this constitutes, at minimum, an appearance of impropriety and should be investigated.

"This conflict puts the whole courthouse under a cloud because it raises so many



**Lunches with husband:** Judge David French hears the majority of Savitt's cases. He lunches with her husband every day. (Damon Higgins/The Palm Beach Post)

questions and there are no answers forthcoming. And that is why have iudicial canon the on appearance of impropriety, so there are no questions like this." Nova Southeastern law Professor Robert Jarvis said.

The guardianship arena is an attorney's playground. Everyone - the elderly ward, the guardian, relatives of the senior - are lawyered up. And most, if not all, get paid out of the savings of the senior in guardianship.

Families wonder if their lawyers naturally would be gun shy in opposing Savitt, a wife of a judge who they must appear in front of in other, more lucrative, cases.

his elaborate dance plays out in south county in the lucrative Probate & Guardianship Division, where Colin is a longtime sitting judge.

This isn't the first time Colin has had a conflict involving his wife and her lawyers. An appeals court in 2007 barred the judge from presiding over a case involving Savitt's divorce lawyers, ruling he had an "apparent conflict of interest that would cause a reasonable litigant to have a well-grounded fear of not receiving a fair trial."

## 115 recusals in six months

His wife's job as a professional guardian leaves Judge Colin compromised, handcuffing him from fully doing his job, The Post found. He's recused himself from 115 cases that involve his wife's

lawyers in the last six months of 2015 after The Post started asking questions in its investigation.

"When you have a judge suddenly recuse himself of so many cases, it certainly sends up a red flag," Jarvis said. "How did a judge allow himself to be put in such a position? I have never heard of a judge doing such a thing."

But Judge Colin doesn't see a problem. Even before his recent mass recusals, he remarked in a court hearing that in the past he had required his wife's attorneys to tell opposing lawyers that they represented Savitt.

But at least one attorney told The Post that's not always how it worked. Gary Susser gave an example in which Colin's disclosure policy fell short, saying he was "floored and shocked" when he found out about the conflict.

Attorney Sheri Hazeltine L didn't tell Susser until April that she works for Savitt, almost a year into a probate case, Susser said.

"She never disclosed her relationship until she was told by Judge Colin to do so," he said. "It's a huge concern for me when opposing counsel represents the judge's wife."

A **transcript** of the hearing shows Colin asking Hazeltine to disclose, she does so and then Susser **objected** to Colin continuing to preside over the case.

"It was news to me what I just found out," Susser tells Colin.

Colin responds, "OK. That's why we make what we call a disclosure."

"Yeah," Susser responds.

Colin then defends the policy that he would change later in the summer: "Can't disclose until it's, you know, ripe to disclose," he tells Susser.

Colin had the case reassigned to another judge.

The judge spoke to The Post for hours, but because of his position, was limited in what he could say. He would only say on the record that he has dealt with the conflict with his wife properly through established methods.

# How do you convince a god he is wrong?



Sam Sugar, co-founder of Americans Against Abusive Probate Guardianships, says state bills to rein in professional guardians have wide support this legislative session.

nation whole beset unscrupulous guardians, some of whom have been charged with crimes. Florida passed its first effort at reform last legislative session, including applying criminal penalties to guardians found guilty of abuse. Advocates say legislative

reform, though, means nothing if judges are complicit in draining the life savings of seniors in guardianships.

Judges like Colin are the main line of defense against guardianship abuse.

Colin, 66, is one of a handful of judges in Palm Beach County Circuit Court who oversee guardians for incapacitated adults. When a senior is found to be incapacitated, they can lose all legal rights to make decisions for themselves. So these judges approve expenditures including fees for the guardian and the guardian's attorney — again all coming from the senior's money.

"The problems all arise from the judges and the lawyers and the greed-driven abusive guardians they enable," said Dr. Sam Sugar, co-founder of Americans Against Abusive Probate Guardianship, which spearheaded the Florida legislation.

"Judges are extremely insulated. They are legal gods who live in a court bubble in which they only believe what their friendly guardians tell them. I mean how do you convince a god that he or she is wrong? It's a near incestuous fraternity."

The final arbiter for judges' behavior is the Florida Supreme Court. A former chief justice says Colin's conflict needs to be investigated.

"If you are sitting on the bench, you should not be doing things that would put a question in the minds of the public," said **Gerald Kogan**, who served on the high court from 1987 to 1998.

# Judge's history of debt: Foreclosures, IRS liens



Colin's Atlantis home: He was sued for foreclosure in 2009 but told The Post it was a mortgage modification.

olin and Savitt are positioned as the power couple of the lucrative probate arena. Colin's financial history, however, is littered with debt, including suits for foreclosure on properties and \$65,000 once owed to the IRS for back taxes.

Savitt also had a **recent foreclosure** on a property. The couple's financial problems appear to have eased since she became a professional guardian.

Financial records show Savitt's finances are mainly separate from the judge's, but it appears the couple has co-mingled finances at least somewhat, West Palm Beach accountant Richard Rampell said. He pointed to a **co-signed \$30,000 loan from Helen Rich**, a Wrigley chewing gum heiress who was a former client of Colin's when he practiced as a divorce lawyer.

And even with couples who keep their finances separate, there is bound to be overlap, Rampell said.

"It's very common, especially if one makes more money than other. And even if they say they don't, they often do," Rampell.

Sugar puts it simply: "Any money she collects would essentially be money he collects."

# Professional guardians can be a big help

majority of **professional guardians** aren't looking to line their pockets.

They can be a godsend, taking over the decision-making for families fighting over a failing relative. But the salvation can be costly. Many of these seniors have substantial savings, and without proper oversight, a guardianship can become a fee frenzy.

Because the cases are in probate, and Florida law is complex, most parties hire lawyers to represent them. Many lawyers rely on the judge to approve their fees, paid from the senior's bank account.

**Florida judicial canons** are explicit in barring judges from appearing to use the bench for their own or their family's benefit.

A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others. - Canon 2(b) - Florida

# Judicial Code of Conduct

Former Chief Justice Kogan suggests Colin's and Savitt's conflict could violate the Florida Judicial Code of Conduct and should trigger an investigation by the Judicial Qualifications Commission.

"If I were somebody associated with the JQC, this is something I definitely would want to look into. It gives, if nothing else, an appearance of impropriety," he said.

The JQC has the power to recommend to the Florida high court punishment for judges — from a private reprimand to sanctions to removal from the bench.

Kogan and Raoul Cantero, another former high court justice, wonder why Palm Beach County's chief judge didn't remove Colin from the probate division.

"If I were the chief judge, I wouldn't put up with this type of thing because it looks terrible, not only to members of the public but also to members of the legal profession," Kogan said.

Cantero agreed: "One way to handle that as an administrative matter is to have that judge in a division where those conflicts don't occur."

In Palm Beach County, two chief judges have been in a position to move Colin since his wife became a professional guardian in 2011. But each presided at one time over her divorce case, when Colin was her attorney and her lover.

# 'Savitt wasted our money for her personal gain'



Retired teacher Helen O'Grady, who died at 83 in 2012 in Boynton Beach, was a senior "ward" of professional guardian Elizabeth "Betsy" Savitt, wife of Circuit Judge Martin Colin.

amilies say they watched slack-jawed as Savitt, 60, and her lawyers siphoned the wealth of their loved ones. They feel they are rendered powerless by judges who rule repeatedly for the judge's wife. Families fighting Savitt say Colin's colleagues allow her and her attorneys to pursue what critics of guardianships call "staged litigation" — pursuit of unnecessary legal issues to run up fees.

"It's his wife, Betsy Savitt, and her attorneys who wasted our family money and time for their personal gain through billing hours due to sibling infighting," said Thomas Mayes, who fought off Savitt's effort to claim \$55,000 from the estate of his mother, Helen O'Grady. "I feel she helps herself and her attorneys and not the client nor the ward of the court."

The seniors might be incapacitated, but some are dubious of the judge's wife. Albert Vassallo Sr., a retired Brooklyn plumber who is one of Savitt's wards, spoke to The Post at a Deerfield Beach senior center.

"The only one taking money from me is that woman. But I'm going to get on that," he said. "I wish I could stop her."

# Attorney: 'Courts have allowed this culture'

conflict created for Colin by his wife working as a professional guardian is a frequent topic of conversation among probate and elder law attorneys. But many told The Post that they fear reprisals for themselves or their clients if they speak on the record Colin, about particularly on matters involving his wife.



Ellen Morris, who works for Savitt, has also practiced in front of her husband. (Lannis Waters / The Palm Beach Post)

"I blame the courts because they have allowed this culture," said one attorney, speaking on the condition of anonymity. "Savitt acts with impunity because she has the wind behind her."

Probate attorney Edward Shipe said Colin's conflict of interest at the very least "doesn't look right, doesn't feel right."

"I can't sit here and deny that," Shipe said. "So we got this wife and she wanted to do guardianship cases so she started a guardianship business. It was talked about before it happened. I was scratching my head a little bit, thinking, 'You are going to have problems doing this."

Professor Jarvis questioned whether attorneys who represent Savitt hope to get an edge in front of Colin.

"Are they doing this either to curry favor with Judge Colin or to avoid his wrath?" Jarvis said.

Savitt often hires attorneys Hazeltine, Ellen Morris — and John Pankauski —, prolific practitioners in elder law. They or members of their firms practiced in front of Colin before he began recusing himself from their cases last year. From 2009 to 2014, Colin's recusals totaled 30. Since the beginning of July, he's taken himself off 133 cases — 115 involving his wife's lawyers.

Hazeltine, Morris and Pankauski or their firms — as well as the guardians they represent — have had fees in non-Savitt cases repeatedly approved by Judge Colin, The Post found.

Clifford Hark of Boca Raton refers cases to Savitt. He has also earned fees approved by the judge in other cases. For example, Colin signed off on \$51,000 from the estate of retired Judge Stanley Hornstine in September 2013.

One of O'Grady's daughters, Kathleen Osterbuhr of Derby, Kan., wrote the court to say Hark promised the family to fight Savitt's petitions for lucrative fees in court, but never followed through.

Mayes said in another letter that "Hark has made mistakes and prolonged this case for his benefit" and that Savitt's "conflict of interest has caused more problems than it has solved."

Hark told The Post he has been practicing for 28 years in South Florida and does not "rely on Judge Colin for my livelihood."

"I represent and zealously advocate for my client's interest regardless of Ms. Savitt's involvement in the case," he wrote to The Post in an email.

He pointed out that in some guardianship cases Savitt has opposed his fees and that Colin has also not



Attorney Sheri Hazeltine, left, during a hearing regarding attorney fees. Elizabeth Savitt, seated right, is the wife of Judge Martin Colin and also a professional guardian. (Madeline Gray / The Palm Beach Post)

awarded him the entire amount of fees sought by his firm.

Hark did say that he was unaware of complaints about her by attorneys family members in the O'Grady case, which he referred to

Savitt, and the guardianship of Lorraine Hilton, in which the family accuses the judge's wife of financial mismanagement. But, Hark reiterated that he recommends other guardians besides Savitt and that the decision, in the end, rests with the families.

Most of Savitt's attorneys also spoke to The Post but were limited in what they could say on the record.

O'Grady's son, Mayes, said Savitt capitalized on family turmoil, sending their conflicts to court to be resolved, where the litigation generated more fees.

"That was a fix," Mayes said in an interview. "I was still doing all the work, but she and her attorneys were billing and kept stirring it up with the family."

The family learned that Savitt was married to a judge when Judge Rosemarie Scher, then presiding over their case, said she'd been out to dinner with the couple and described the judge's wife as "part of the judicial community."

"Savitt never told us beforehand, which I thought she should have," said Mayes. "The lawyers never told us. I figured he was in another division, but he was in probate."

# Chief judges presided over Savitt's divorce



Chief Circuit Judge Jeffrey Colbath. (Lannis Waters / The Palm Beach Post)

olin has been allowed to remain in probate under Peter Blanc and Jeffrey Colbath, chief judges since Savitt became a registered guardian four years ago. While other judges rotate, Colin hasn't been moved out of the south county courthouse since at least 2008.

Blanc and Colbath, the current chief judge, presided separately over Savitt's divorce and made rulings favorable to her.

Blanc said he worked in Colin's law firm for about nine months as an "independent contractor." He told The Post that when Savitt became a guardian there was some discussion about a potential conflict, but he felt satisfied not moving him out of probate because Colin vowed not to preside over any of her cases. The Post has not found any of Savitt's cases where he did.

Chief Judge Colbath declined to answer questions for this story, but he has the power to move Colin to another division if he suspects impropriety. Florida Supreme Court Chief Justice Jorge Labarga in 2013 issued an administrative order to emphasize that the chief judges of circuit courts have the duty to take "corrective action as may be appropriate" if they feel a judge is acting inappropriately. Labarga declined to comment for this story.

# Judges socialize, planned trip together

udge Colin and his wife have socialized with one of the judges she appears in front of regularly, The Post has learned.

Colin and Circuit Judge David French eat lunch together nearly every day. Colin and French co-hosted a **trivia night** in May for the South Palm Beach Bar Association. The event was cosponsored by Pankauski's firm. French did not return repeated attempts for comment.

French's first ex-wife Gayle Smith said her son, now grown, grew up in French's household and knew Colin as his father's running "mate" and that they often went on trips together.

French's second ex-wife, Christine Connelly, said she and Judge French were friends with Colin and Savitt. The two couples had planned a cruise vacation about five years ago, but it fell through when Colin didn't have his passport.

"We hung out, played tennis," she said.

French apparently doesn't always disclose this information to lawyers opposing Savitt in his courtroom on issues such as fees or her activities as a guardian.

Thomas Dougherty said he would have liked to have known that the judges socialized when he opposed Savitt in front of French.

# Colin heads up elder-care pilot program

ny conflicts aside, Chief Judge Colbath has faith in Colin.

In September, Colbath announced an Eldercare Coordination Pilot Program headed by Colin to resolve family disputes in guardianship cases outside court will become permanent. The program is meant to decrease costs for families by bypassing attorneys and sending them to mediation.

Colin is excited.

"This pilot program is designed to put in place a conflict dispute mechanism that will allow guardians and family members to deal with nonlegal matters in a conference room setting and not in a courtroom ...with less cost and tension," he said.

Palm Beach County joined seven other circuits in Florida as well as Indiana, Minnesota, Idaho and Ohio in testing the program.

# Are recusals enough to end conflict?

courtroom,
Colin is trying
to shed any
conflict, but a
divorce case
illustrates how
treacherous it
can become.

Amber Larkin accused her ex-husband,

Andrew, of hiring trust attorney Pankauski because Andrew knew Colin would have to recuse himself. Judge Colin indicated he would rule in her favor on a life insurance issue and even throw husband in jail, according court

transcripts.



Attorney John Pankauski makes arguments before Judge David French during a hearing surrounding the guardianship of James Vassallo's father. (Damon Higgins/The Palm Beach Post)

In addition to the recusal allegation, Pankauski was forced to defend himself on accusations that he was part of a strategy to get Colin recused.

The judge at a Sept. 29 hearing in the case explained why after four years he now recuses himself from cases involving his wife's lawyers.

Colin said that requiring attorneys to disclose that they work for Savitt used to be "a 100 percent acceptable procedure" and that there had never been a complaint.

But Colin said automatic recusals assure there is a court record, so there is no question about whether opposing lawyers know of the potential conflict.

"We have adopted long-standing approved methods to properly deal with such potential conflicts," he told The Post.

Colin's previous policy may have been flawed. A **2005 opinion** by the Supreme Court's Judicial Ethics Advisory Committee said judges are the ones who are supposed to disclose.

This is not the first time Colin has been called out for conflict of interest. Complaints surfaced in 2009 about him favoring attorneys who represented Savitt in her divorce after he became a judge. Colin says he wasn't punished. But the JQC can choose to reprimand a judge in private.

Colin was removed from the family division briefly and put into probate. Within two years, his wife was working as a professional guardian.

Despite his financial difficulties, Colin oversees divorce and probate cases in which he makes crucial rulings on money.

"By staying in the probate division, he put himself in a position to influence what work his wife gets," said Jarvis, who teaches a class on professional responsibility. "In fact, having this many recusals shows that something is amiss. It is all just rationalization — he should have avoided putting himself in a position where he has had to recuse himself so often."

Data editor Mike Stucka, researcher Melanie Mena and staff writer Holly Baltz contributed to this story. Web page production by Kristyn Wellesley and Gurman Bhatia.

The entire series



The judge's wife



# The couple's financial picture



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# **FACSIMILE**

SAVITT GUARDIANS Elizabeth "Betsv" Savitt

DATE: September 25, 2014 To: Morgan Stanley FAX: 631-693-3768

RE: Robert Wein (Guardianship)

PAGES:

(4), including Cover Page.

Thank you.

Betsy Savitt

Copy to follow:

\_ by mail

by hand delivery

not to follow

# IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

PROBATE DIVISION "IB"

ROBERT PAUL WEIN

CASE NO. 502014GA000472XXX

# ORDER APPOINTING EMERGENCY TEMPORARY GUARDIAN OF THE PROPERTY

On the petition of Daniel Wein for appointment of an emergency temporary guardian for Robert Paul Wein, an alleged incapacitated person, who is represented by counsel in these proceedings, and it appearing to the court that there is an imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated or lost unless immediate action is taken; and the court having jurisdiction and being fully advised; it is

#### ADJUDGED as follows:

- 1. Elizabeth Savitt is qualified to serve and is hereby appointed as plenary emergency temporary guardian of the person and property of Robert Paul Wein (the Ward).
- 2. Upon taking the prescribed oath, filing designation of resident agent and acceptance and entering into bond in the amount of \$\( \bigcup \) \( \bigcup \) payable to the Governor of the State of Florida and all successors in office, conditioned on the faithful performance of all duties by the guardian, letters of emergency temporary guardianship shall be issued to the plenary emergency temporary guardian granting the following powers and duties: ALL, as a plenary guardianship of the person and property.
- 3. The Court is aware that the Ward executed an advance directive under Chapter 765, Florida Statutes. Until further order of the Court, the advance directive is hereby superceded and the guardian is authorized to make any and all healthcare decisions for the Ward.
- 4. The guardian is authorized to take control over any and all assets of the Ward, including any and all assets titled in the name of the Ward's Trust. Any prior existing Durable Power of Attorney is suspended until further order of this Court.

5. Unless further extended by order of this Court, the authority of the plenary emergency temporary guardian will expire ninety (90) days after the date of this order, or when a guardian is appointed pursuant to Florida Statutes Section 744.344, whichever occurs first.

HONORABLE DIANA LEWIS

Circuit Court Judge

Copies:

Manuel Kushner, Esq., Kaye Scholer, LLP, 777 South Flagler Drive, West Tower, Suite 900, West Palm Beach, FL 33401 561-802-3230

Mitchell Kitroser, Esq. 8895 North Military Trail, Suite C-201, Palm Beach Gardens, FL 33410 561-721-0600, Court Appointed Counsel for Alleged Incapacitated Person

Ellen Morris, Esq., 7284 W. Palmetto Park Road, Suite 101, Boca Raton, FL 33433

STATE OF FLORIDA . PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office.

THIS DAY OF BOCK

OCDUTY CLERK

Public Records Request No.: 18-378

# IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

PROBATE DIVISION "IB"

ROBERT PAUL WEIN

08/14/2014 08:13

CASE NO. 502014GA000472XXXXMB

### LETTERS OF EMERGENCY TEMPORARY GUARDIANSHIP

#### TO ALL WHOM IT MAY CONCERN:

WHEREAS, ELIZABETH SAVITT has been appointed emergency temporary guardian of the person and property of ROBERT PAUL WEIN (the Ward), and has taken the prescribed oath and performed all other acts prerequisite to issuance of letters of emergency temporary guardianship of the Ward,

NOW THEREFORE, I, the undersigned circuit judge, declare Elizabeth Savitt duly qualified under the laws of the State of Florida to act as emergency temporary guardian of the person and property of Robert Paul Wein, with full power to exercise the following powers and duties: ALL, as a plenary guardianship of the person and property.

The Ward executed an advance directive under Chapter 765, Florida Statutes. Until further order of the Court, the advance directive is hereby superceded and the guardian is authorized to make any and all healthcare decisions for the Ward.

The guardian is authorized to take control over any and all assets of the Ward, including any and all assets titled in the name of the Ward's Trust. Any prior existing Durable Power of Attorney is suspended until further order of this Court.

The authority of the emergency temporary guardian expires ninety (90) days after the date hereof, unless earlier terminated by the appointment of a guardian or extended by order of this court.

DONE AND ORDERED IN WEST PALM BEACH, PALM BEACH COUNTY, DA on 7/17, 2014.

FLORIDA on

SEP 17 AM 8: 40 CHR. BOCK. CLETK BLACH COUNTY, FI CUII PROBATE 5

HONORABLE DIANA LEWIS

Circuit Judge

STATE OF FLORIDA . PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the regord in my office.

DAY OF SHARON R. BOCK

Public Records Request 18: 18-378

11/05/18

Page 128

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1			Check # 1006		~	
	1		Ref: 22924716			
8/17/2015	8/17/2015 Ch	neck	B1RF#: 000000817272841945	-460.00	11,311.77	Cash
			CARING ASSN			
li i			Check # 1005			1
	-	ľ	Ref: 22924715			1
8/17/2015	8/17/2015 Ch	neck	B1RF#: 000000817272841946	-660.00	11,771.77	Cash
			CARING ASSN INC			
			Check # 1004			
			Ref: 22273006			
8/10/2015	8/10/2015 Ch	neck	B1RF#: 000000810272161809	-660.00	11,121.54	Cash
			CARING ASSN INC			
			Check # 1003			
		1	Ref: 22273005	27		
8/10/2015	8/10/2015 Ch	neck	B1RF#: 000000810272161808	-660.00	11,781.54	Cash
			THE COLONY CLUB	-		
		1	Check # 1002		1	
			Ref: 21593895			
8/3/2015	8/3/2015 Ch	neck	B1RF#: 000000803272330601	-3,100.00	12,341.64	Cash
			THE COLONY CLUB			
			Check # 1001			1
			Ref: 21593894	1		
8/3/2015	8/3/2015 Ch	neck	B1RF#: 000000803272330602	-3,400.00	15,441.64	Cash
			WIRED FUNDS SENT			
			BENE: ROBERT WEIN			
		A	ACCT: MORROWE SA T			
9/12/2014	9/12/2014 Tra	ansfer Out	Ref: 25502687	-30,000.00	10,401.89	Cash

## **Check View**



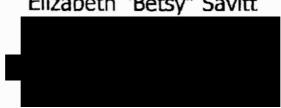
Name	Account	Date	Activity	Description	Amount (\$)
ELIZABETH SAVITT		8/28/2015 12:00:00 AM	Check	ELIZABETH SAVITT Check # 1009 Ref: 24043226	9,085.35

Check Image - Front

ELIZABETH SAVITT GUARDIN FOR T. ESTATE OF ROBERT WEIN	Morgan Stanley	1009 25-80/440
Pay to the Gizabeth Savett  Nine Thousand and Ente	\$ 9.20 Date  \$ 9.20  To a series of the pollars of	785,35 a fi :::::::
UMB Bink, N.A. Kansa Ciry, MO 64106 1-800-688-3462 Analyzer	B 100 6	4
For INV-# 10083	Uzotil Dan	ne ne

Check Image - Back

# Savitt Guardians Elizabeth "Betsy" Savitt



Dear Matt Hughes,

Please wire funds of \$30,000.00 directly to Bank of America. Guardianship Account for Robert Wein Elizabeth Savitt Guardian.

Routing ACCT

From Morgan Stanley Account Number Thanks,

Elizabeth Savitt

# Savitt Guardians Elizabeth "Betsy" Savitt

Date: November 17, 2014

To: Matt Hughes (Morgan Stanley)

Fax: 516 - 336 - 0819

Re: Letter of Instructions

Pages: (2), including cover page.

Thank you.

Betsy Savitt

# **Check View**



Name	Account	Date	Activity	Description	Amount (\$)
ROBERT WEIN		12/3/2015 12:00:00 AM	Check	ROBERT WEIN Check # 1036 Ref: 33706092	25,000.00

**Check Image - Front** 

ELIZABETH SAVITT GUARDIN FOR T. ESTATE OF ROBERT WEIN	Morgan Stanley 1036	6
	11/30/15 Date	
Pay to the Cobert Vein  Town Five Toons and	\$ 25,000,000 Dollars 1	
UMB Rank, NA.  Kanasa Cir, MO 44106  1400-488-3462  Analyzer		Delian in
For	Chill Swell	MP STORY

Check Image - Back

Rall Saw &

# AML Monitoring and Investigations: ELIZABETH SAVITT, TRUSTEE ROBERT WEIN LIVING TRUST

**Basic Information** 

Alert Id 00007898967

Score 100

Business Unit Cost Center 100232

Owner Christopher Jung

Status Closed - Action Taken -Escalated by Compliance (Adequate BU Trdr/Salespn Response)

Open/Closed Closed

Determination Non Issue

**Extended Information** 

Name
Report Name
Sub Category
Branch
Account #
FA #
District #

Value General Inquiry - AML Monitoring and Investigation Not Applicable 232 026145 212 4

BusinessData Type

MSWM000039

Progress				
Date 03/18/2016 12:17 PM	Event Status changed	User jungchr	Comment Change step forward Note added Status changed from [Action Complete] to [Closed - Action Taken - Escalated by Compliance (Adequate BU Trdr/Salespn Response)]. Work Item Closed	Note Thank you. CI-578506
03/10/2016 04:23 PM	Status changed	Aubrey,Persaud	Change step forward Note added Status changed from [Compliance - Under Review] to [Action Complete].	The following are responses to questions responded by FA:  1. The account's origin (i.e. how was the client introduced to the FA) This account originated from a client who passed away 2. Length of FA and client relationship (i.e. FA may have been recruited to the Firm and had the relationship prior to joining the Firm) My group has been dealing with the deceased client for over 25+ yrs 3. How did Savitt become guardian/furstee on the Wein account Appointed by the courts 4. Was there a prior relationship between Savitt and Wein aside from the guardianship role? (e.g. friend, relative) None that I am aware of 5. The branch's/FA's understanding/knowledge of the negative news I am aware of this news 6. Whether the trustee has established or is in the process of establishing a relationship with either Morgan Stanley Bank N.A. ("MSBNA") or Morgan Stanley Private Bank N.A. ("MSSPNA") i.e. Portfolio Loan Account ("PLA"), Tailored Lending, Letters of Credit, Personal Trust or Mortgage none that I am aware of 7. Additional relevant information about this relationship (i.e. other related accounts that are not linked to the client; client's business/occupation/source of wealth) Deceased client's son has ~ \$650k in PM assets with me as well 8. If the branch believes the trustee should continue to be maintained at the Firm, what are the mitigating factors? From my perspective, she has been reliable and honest. responded by Matt Hughes
03/03/2016 03:52 PM	Note added	Aubrey.Persaud		CRO have reached out to FA Team for review and response
03/03/2016 03:12 PM 03/03/2016 11:02 AM	Viewed Attachment added	Aubrey.Persaud jungchr	Path: \pcg\root\users\Christopher.Jung\My Documents\CASES\Elizabeth Savitt\Savitt NNS.pdf	
03/03/2016 11:01 AM 03/03/2016 10:59 AM	Viewed Note added	jungchr jungchr		During the course of client due diligence, we discovered negative news regarding a Trustee, ELIZABETH SAVITT ("Savitt"), of the Robert Wein Living Trust (See attached). In order to obtain a more robust picture or these events and assess whether the trustee should continue to be maintained on the account, we will need to know the following: 1. The account's origin (i.e. how was the client introduced to the FA) 2. Length of FA and client relationship (i.e. FA may have been recruited to the Firm and had the relationship prior to joining the Firm) 3. How did Savitt

# **Progress**

03/03/2016 10:59 AM

Work Item manually created jungchr

**Attachments** 

File Name
Savitt NNS.pdf
description: ELIZABETH SAVITT, TRUSTEE
ROBERT WEIN LIVING TRUST (232-026145)

Attach Date 03/03/2016 11:02 AM

Attached By jungchr

Description

become guardian/trustee on the Wein account 4. Was there a prior relationship between Savitt and Wein aside from the guardianship role? (e.g. friend, relative) 5. The branch's/FA's understanding/knowledge of the negative news 6. Whether the trustee has established or is in the process of establishing a relationship with either Morgan Stanley Bank N.A. ("MSBNA") or Morgan Stanley Private Bank N.A. ("MSPBNA") i.e. Portfolio Loan Account ("PLA"), Tailored Lending, Letters of Credit, Personal Trust or Mortgage 7. Additional relevant information about this relationship (i.e. other related accounts that are not linked to the client; client's business/occupation/source of wealth) 8. If the branch believes the trustee should continue to be maintained at the Firm, what are the mitigating factors? Please speak to your team and FA, and get back to us at your earlier convenience, but no later than March 9, 2016. \*\*\*CONFIDENTIALITY NOTICE: Please be advised that all inquiries from the AML Group are strictly confidential. Under no circumstance may an employee notify or "tip off" a client or any third party that a matter is under investigation by the AML Group. Questions related to this inquiry should be raised to your AML Group contact\*\*\*



### Masi, Joseph III (GFC)

From:

Persaud, Aubrey (Wealth Mgmt MS)

Sent:

Friday, April 01, 2016 11:35 AM

To:

Jung, Christopher (GFC); Hendricks, Karen (LEGAL)

Cc:

Meehan, Christopher (GFC)

Subject:

RE: AML Red Flag Re: Savitt 232-026145

OriginatingRecipients:

/o=ms/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=christopher.jung;/o=ms/ou=exchange

administrative group (fydibohf23spdlt)/cn=recipients/cn=karen.hendricks;/o=ms/ou=exchange administrative group

(fydibohf23spdlt)/cn=recipients/cn=christopher.meehan1;

OriginatingSenderSMTP:

/O=MS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Christopher.Jung

Thank you

**Aubrey Persaud** Vice President Complex Risk Officer Morgan Stanley Wealth Management 2 Jericho Plaza Wing A Jericho, NY 11753 Tel 516-336-0700 Direct 516-336-0710 Fax 516-336-0735 Toll free 800-488-4083.

#### aubrey.persaud@morganstanley.com

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From: Jung, Christopher (GFC)

Sent: Friday, April 01, 2016 11:03 AM

To: Hendricks, Karen (LEGAL); Persaud, Aubrey (Wealth Mgmt MS)

MSWM000043

Cc: Meehan, Christopher (GFC)
Subject: AML Red Flag Re: Savitt 232-026145

Hi Karen and Aubrey,

I hope this e-mail finds you both well. In light of Savitt's \$600k wire request, we have placed an AML Red Flag on the Wein account pending additional guidance from Legal regarding status of Savitt on account. Please reach out to me if there is any additional information/ flag lift request. Thanks!

Best,

Chris

Christopher Jung
Morgan Stanley Wealth Management | Legal and Compliance
485 Lexington Avenue, 11th Floor | New York, NY 10017
Phone: +1 212 296-2315
Fax: +1 212 704-5904
Christopher Jung@morganstanley.com

Be carbon conscious. Please consider our environment before printing this email.

2

## Masi, Joseph III (GFC)

From:

Persaud, Aubrey (Wealth Mgmt MS) Wednesday, April 20, 2016 2:59 PM

Sent: To:

Hendricks, Karen (LEGAL); OConnor, Teraise (Wealth Mgmt MS); Evans, Donna (Wealth Mgmt MS); Jung, Christopher (GFC)

Subject:

Elizabeth Savitt /Robert Wein

Team, FYI

NOTE

Elizabeth Savitt called today to inquire why we never honor the check she wrote, I told her account was frozen, I also mentioned that since our last conversation no acats were received, she was surprised and will call to inquire from the receiving firm why.

Regards

Aubrey Persaud
Vice President
Complex Risk Officer
Morgan Stanley Wealth Management
2 Jericho Plaza Wing A
Jericho, NY 11753
Tel 516-336-0700
Direct 516-336-0710
Fax 516-336-0735
Toll free 800-488-4083.

#### aubrey.persaud@morganstanley.com

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MSWM000045

following link: http://www.more	ganstanley.com/disclaimers/n	nssbemail.html. If you ca	annot access this link, please	notify us by reply messa	ge Important and we
following link: <a href="http://www.morg.">http://www.morg.</a> will send the contents to you. By	y messaging with Morgan Star	nley Smith Barney you co	onsent to the foregoing.		
		2			
		2			MSWM000046

Page 143

Public Records Request No.: 18-378

11/05/18



## mswm314b@morganstanley.com

Authenticated by wellsfargo.com Valid Signature

From:

314brequest@wellsfargo.com

To:

Christopher.Jung@morganstanley.com, MSWM314B@MORGANSTANLEY.COM

Cc:

Todd.C.Mcelduff@morganstanley.com

Sent:

Apr 25, 2016 12:04:26 PM CDT

**Subject:** Morgan Stanley Smith Barney Helen O'Grady 314(b)

Good morning. The following is in response to your 314(b) request:

#### RESPONSE:

- 1) When was our mutual client's account opened at Wells Fargo? Referenced account number for the transactions was a personal checking account solely owned by Helen O'Grady opened 04/05/2012; closed per customer request 10/13/2013
- 2) What type of account was opened? Personal checking account
- 3) In what manner was the account opened? Branch
- 4) Did our mutual client open the Wells Fargo account in person? If so, was our mutual client accompanied by another person or persons during the account opening? Please provide the name of the person(s). Referenced individual Elizabeth Savitt was listed on the account as a Guardian
- 5) Is there a Power of Attorney or authorized individual (other than Savitt) on the above-mentioned Wells Fargo account? Helen O'Grady
- 6) What happened to the funds after they were deposited into the account e.g. funds withdrawn, sitting in account, used to purchase securities, etc.

Account review period 04/2012-10/2013

#### Debits

- 47 checks totaling \$35,450 samples include
- -2 checks totaling \$9,301 to Elizabeth Savitt
- -3 checks totaling \$6,163 to SunFlower Bank
- -1 check for \$2,075 to Tom Mayes
- -1 check for \$2,525 to Newport Place
- 19 ACH debits totaling \$2,217
- -12 ACH debits totaling \$1,832 to ATT
- -7 ACH debits totaling \$385 to FPL
- 1 cash withdrawal for \$159
- 2 transfers totaling \$1,025 to Wells Fargo Credit Card
- 7) Were there any payments or transfers from the account to third parties? If so, please provide the names of the said third parties. See above

Gail McCree

Financial Crimes Consultant Financial Crimes Investigations | Operational Support (925)681-4948

From: Jung, Christopher [mailto:Christopher.Jung@morganstanley.com]

Sent: Thursday, March 24, 2016 1:05 PM

**To:** 314bRequest **Cc:** McElduff, Todd

**Subject:** 314B Request- Wells Fargo

To Whom It May Concern:

Pursuant to FinCEN's 314b Information Sharing, please find attached an encrypted 314b request from MSWM. MSWM's 314b contact individual is Todd McElduff and his contact number is 212-296-2917. Information concerning the request is included in the attachment. Password will be provided in separate email communication. If you have any questions, please contact me at the number listed below.

Thank you,

Chris

Christopher Jung
Morgan Stanley Wealth Management | Legal and Compliance
485 Lexington Avenue, 11th Floor | New York, NY 10017
Phone: +1 212 296-2315
Fax: +1 212 704-5904
Christopher.Jung@morganstanley.com

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a Email Encryption Provided by Wells Fargo.

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## Masi, Joseph III (GFC)

From:

Vonhoene, Michael D - CHARLOTTE NC <michael.d.vonhoene@ml.com>

Sent:

Wednesday, April 06, 2016 5:22 PM

То:

Jung, Christopher (GFC)

Subject:

RE: Morgan Stanley - 314b Request- Bank of America

Hey Chris- give me a call when you have a moment to discuss this 314(b).

I called you and your voicemail didn't pick up.

Thx

Mike

Thank You

Mike vonHoene Vice President / GFCC Investigator Global Financial Crimes Compliance Bank of America Merrill Lynch 201 N Tryon St Charlotte NC 28255

Phone 980.275.6009 Fax 704.386.1787

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